



PATENT

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of : Shinji IJIMA, et al.  
Group Art Unit : 1642  
Application No. : 10/523,191  
Examiner : Unassigned  
Filed : September 23, 2005  
For : METHOD OF EXPRESSING GENE IN TRANSGENIC BIRDS  
USING RETROVIRUS VECTOR AND TRANSGENIC BIRDS  
THUS OBTAINED  
Docket No. : 12218/46

MAIL STOP AMENDMENTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Sir:

Pursuant to 37 C.F.R. §1.56, the attention of the Patent and Trademark Office is hereby directed to the reference(s) listed on the attached PTO/SB/08a FORM. Unless otherwise indicated herein, one copy of each reference is attached. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the reference(s) be made of record therein and appear among the "References Cited" on any patent to issue therefrom. The filing of this Information Disclosure Statement and the enclosed PTO/SB/08a FORM, shall not be construed as an admission that the information cited is prior art, or is considered to be material to patentability as defined in 37 C.F.R. §1.56(b). It is believed that no fees other than those indicated below are due, but authorization is hereby given to charge any additional fees due, or to credit any overpayment, to deposit account 11-0600.

This Information Disclosure Statement is being filed (a) within three months of the filing date of a national application other than a continued prosecution application under 37 C.F.R. §1.53(d), (b) within three months of the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in an international application, (c) before the mailing date of a first Office Action on the merits in the present application, OR (d) before the mailing of a first office action after filing of a request for continued examination. No certification or fee is required.

The references were cited in an Office Action issued in counterpart Chinese application no. 03819202.0. A copy of the Office Action and its English translation are submitted herewith for the Examiner's information.

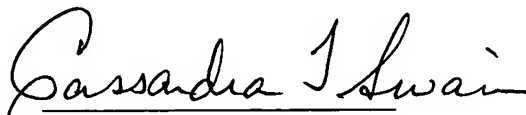
Reference 1, international publication no. WO 97/47739, is the international publication in English of Reference 2, Chinese patent no. CN 1225127A. Therefore, in accordance with 37 C.F.R. §1.98(c), a copy of CN 1225127A is omitted from this filing as cumulative of WO 97/47739.

The Office is invited to contact the undersigned to discuss any issues regarding this application.

Respectfully submitted,

KENYON & KENYON LLP

Date: August 9, 2006

  
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PTO/SB/08A (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

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<b>Substitute for form 1449A/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)				<b>Complete if Known</b>	
				Application Number	10/523,191
				Filing Date	September 23, 2005
				First Named Inventor	Shinji IJIMA, et al.
				Group Art Unit	1642
				Examiner Name	Unassigned
Sheet	1	of	1	Attorney Docket Number	12218/46

U.S. PATENT DOCUMENTS					
Examiner Initials *	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>2</sup>
		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)				
	1	WO 97/47739	12-18-1997	Board of Trustees Operating Michigan State University		
	2	CN 1225127A	08-04-1999			cumulative of (1)
Examiner Signature				Date Considered		

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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